

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENNY HUBBARD, #141527,

Plaintiff(s),

CIVIL ACTION NO. 10-14390

v.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE MARK A. RANDON

PRISON HEALTH SERVICES, et al.,

Defendant(s).

\_\_\_\_\_ /

**ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The plaintiff, who is proceeding *pro se*, has filed a motion for appointment of counsel. "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6<sup>th</sup> Cir. 1987)(quoting *United States v. Madden*, 352 F.2d 792, 793 (9<sup>th</sup> Cir. 1965)); *see also Hoggard v. Purkett*, 29 F.3d 469, 471 (8<sup>th</sup> cir. 1994) ("In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the [plaintiff's] ability to investigate and present his claims, along with any other relevant factors.")

In this case, the interests of justice do not require appointment of counsel at this time. Accordingly, it is **ORDERED** that the plaintiff's motion for appointment of counsel is **DENIED WITHOUT PREJUDICE**.

s/Mark A. Randon  
\_\_\_\_\_  
MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: February 15, 2012

Certificate of Service

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, February 15, 2012, electronically.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon